



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

AUG 16 2012

Daniel Watton, Principal Environmental Engineer
NSTAR Electric
One NSTAR Way
Westwood, Massachusetts 02090

Re: PCB Cleanup and Disposal Approval under §§ 761.61(a) and (c)
NSTAR Station 292
Newton, Massachusetts

Dear Mr. Watton:

This is in response to the NSTAR Electric (NSTAR) Notification¹ to address *PCB remediation waste* (i.e., soils, and trap rock) on the property known as the NSTAR Station 292, located at 48 Elliot Street, Newton, Massachusetts. The Site contains *PCB remediation waste* that exceeds the allowable PCB levels for unrestricted use under the federal PCB regulations at 40 CFR § 761.61(a). NSTAR has requested an approval to clean up and dispose of the *PCB remediation waste* located at the Site under the PCB self-implementing cleanup and disposal option (SIDP) at 40 CFR § 761.61(a).

NSTAR is conducting renovations at the Site which include: replacement of Transformers T-110A, T-110B and T-110C and, installation of a cable oil pump plant and heat exchanger and associated underground oil return line, and new conduits from the existing switch gear equipment to the new transformers. With the exception of the replacement transformer T-110A, which will occur outside of the Notice of Activity and Use Limitation (AUL) area, the renovations are limited to the boundary of the AUL. The current transformer T-110A will remain on-site but in a backup capacity.

NSTAR has determined that the Site meets the definition for a *low occupancy area* under § 761.3 which would allow wastes with less than or equal to (\leq) 25 part per million (ppm) PCBs to remain on-site with an AUL.

¹ The notification was submitted by Tighe and Bond, on behalf of NSTAR to satisfy the notification requirements under 40 CFR § 761.61(a). Information was submitted dated June 2012 (Self-Implementing PCB Cleanup Plan (SIDP); August 9, 2012 (Response to EPA Comments); August 13, 2012 (email response to EPA question on sampling); and August 14, 2012 (email response to clarification question on concrete disposition). These submittals shall be referred to as the "Notification".

NSTAR is proposing to use *PCB remediation waste* (i.e., soils, and trap rock) ≤ 25 ppm as backfill within the portion of the Site covered by the AUL. Any waste that cannot be used on-site as backfill (i.e., excess soils, trap rock) will be disposed of as a greater than or equal to (\geq) 50 ppm waste in a TSCA approved disposal facility or RCRA hazardous waste landfill.

NSTAR is not proposing to collect post excavation verification samples based on the characterization data and the fact that all of the work will occur within the AUL area. Based on the results of the sampling, and proposed plan, it appears that the sampling was reasonable to determine PCB concentrations at the site, thus EPA may approve the sampling under § 761.61(c).

NSTAR may proceed with its PCB cleanup and disposal under 40 CFR §§ 761.61(a) and (c); its Notification; and this Approval, subject to the conditions of Attachment 1. Please be aware that this Approval does not release NSTAR from any applicable requirements of federal, state or local law to the cleanup of other non-PCB contaminants.

This Approval only addresses cleanup and disposal of the *PCB remediation waste* identified in the Notification. In the event that NSTAR identifies concrete within the construction area that must be removed, NSTAR will conduct sampling in accordance with 40 CFR 761 Subpart O. If the concrete cannot be left on-site (i.e., PCB concentration greater than ($>$) 1 ppm) within the AUL area, it will be disposed of in a TSCA approved disposal facility or RCRA hazardous waste landfill (see Approval Condition 13).

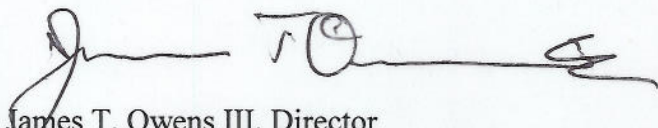
In the event that NSTAR identifies other PCB-contaminated wastes subject to cleanup and disposal under the PCB regulations, NSTAR will be required to notify EPA and cleanup the PCB-contaminated wastes in accordance with 40 CFR Part 761 (see Approval Condition 1.)

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in black ink, appearing to read 'James T. Owens III', with a stylized flourish at the end.

James T. Owens III, Director
Office of Site Remediation & Restoration

Attachment 1- Approval Conditions

Attachment 2 – *Standard Operating Procedure for Sampling Porous Surfaces For
Polychlorinated Biphenyls (PCBs), Rev. 4, May 5, 2011*

cc: Michael Martin, Tighe and Bond
MassDEP, Northeast Region RTN: 3-26965
File

ATTACHMENT 1:

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
NSTAR ELECTRICAL STATION 292
NEWTON, MASSACHUSETTS**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to bulk *PCB remediation waste* (i.e., soil, trap rock, concrete) located at the Site as identified in the Notification.
2. NSTAR Electric and Gas (NSTAR) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. NSTAR must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, NSTAR shall contact EPA within 24 hours for direction on sampling and cleanup requirements.
6. NSTAR is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time NSTAR has or receives information indicating that NSTAR or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by NSTAR are authorized to conduct the activities set forth in the Notification. NSTAR is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release NSTAR from compliance with any applicable requirements of federal, state or local law; or 3) release NSTAR from liability for, or otherwise resolve, any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from NSTAR of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. NSTAR shall notify EPA in writing of the scheduled date of commencement of onsite activities at least 1 business day prior to conducting any work under this Approval.
11. Prior to initiating onsite work under this Approval, NSTAR shall submit the following information:
 - a. a certification signed by its selected remediation contractor, stating that the contractor has read and understands the Notification, and agrees to abide by the conditions specified in this Approval; and,
 - b. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the sample preparation, extraction, analytical and quality assurance requirements specified in the Notification and in this Approval.

REMEDIAL AND DISPOSAL CONDITIONS

12. The cleanup level for *PCB remediation waste* (i.e., soils and trap rock) at the Site shall be less than or equal to (\leq) 25 ppm.
13. The cleanup level for *porous surfaces* (i.e., concrete) at the Site shall be \leq 1 ppm.
 - a. If identified, sampling of *porous surfaces* (i.e., concrete) shall be performed on a bulk basis (i.e. mg/Kg). Samples shall be collected according to the Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs)*, Rev. 4, May 5, 2011 to a maximum depth of 0.5 inches.
 - b. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.

14. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5), unless otherwise specified below:
 - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination or dewatering, if applicable, shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

15. NSTAR shall allow any authorized representative of the Administrator of the EPA to inspect the Site, to inspect records, and to take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by NSTAR to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
16. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
17. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
19. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; or, if EPA finds that these activities present an unreasonable risk to public health or the environment.

RECORDKEEPING AND REPORTING CONDITIONS

20. NSTAR shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and the analytical sampling shall be established and maintained by NSTAR in one centralized location until such time as EPA authorizes, in writing, an alternative disposition for such records. All records shall be made available for inspection by authorized representatives of EPA.
21. NSTAR shall submit a final report as both a hard and electronic copy, to EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the cleanup and disposal activities including a photo log; characterization and confirmation sampling analytical results (as applicable); copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the remediated area(s); copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.
22. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
23. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.

END OF ATTACHMENT 1